THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23256 of 2006

13.12.2006

Between:

Shaik Meeravali, S/o.Bada Saheb
And others

… Petitioners

AND

The Mandal Revenue Officer, Martur Mandal, Prakasam District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23256 of 2006

ORDER:

The petitioners are aggrieved by the action of the respondents in deleting their names from the list of beneficiaries for allotment of house sites in the land comprised in survey No.335/2 situated at Isuka Darsi Village of Martur Mandal in Prakasam District. It is their case that in 1999, after conducting socio-economic survey, the first respondent prepared a list of beneficiaries consisting of 84 persons including the petitioners herein. However, when the assignment was taken up for allotment house site admeasuring Acs.0.02 cents each, the names of the petitioners were deleted by the first respondent without giving any notice and without conducting enquiry. Therefore, they seek a direction to first respondent to consider their case for allotment of house sites.

The matter was initially listed for preliminary hearing on 23.11.2006. The same was adjourned at the request of learned Assistant Government Pleader for Revenue (Assignment) to get instructions in the matter. Today, after getting written instructions from the first respondent, learned Assistant Government pleader submits as follows. The land in survey No.335/2 admeasuring Acs.4.13 in Isuka Darsi Village was selected for assignment as house sites to homeless, landless and poor persons in the village. As the list of beneficiaries was prepared in 1999, verification was done by the first respondent again. During the verification, it was found that the petitioners herein are already owners of houses in the village and, therefore, their names were deleted. The provisional list of beneficiaries was published in the village on 09.9.2006 inviting objections. Till 27.9.2006 no objections were received. Therefore, in accordance with the list prepared in September 2006, pattas were issued to 99 persons on

15.10.2006.

Learned Counsel for the petitioners submits that after filing the writ petition, his clients have procured necessary information regarding the new allotments. He submits that as many as 40 persons are not eligible for assignment of house site pattas because they are either not residents of the village or already having houses of their own. This is however denied by the learned Assistant Government Pleader. He, however, submits that if the assignment is obtained by any person, who is ineligible for such assignment, it is always open to the first respondent/Joint Collector, to cancel the assignment. Therefore, this Court is of considered opinion that the second respondent herein, namely, the Revenue Divisional Officer (RDO), Ongole, should review all the 99 assignments of house site pattas, as per the list prepared in September 2006 by the Mandal Revenue Officer (MRO), Martur Mandal. The RDO then send a report to the Joint Collector, within a period of three months from the date of receipt of a copy of this order, after conducting enquiry and review pointing out any illegal assignment. In such an event, the Joint Collector may issue notice to those persons, who obtained pattas by misrepresentation or in fraudulent manner, and take appropriate action for cancelling the assignment. After doing so, the petitioners' case for allotment of house sites may be considered, if they are eligible as per the assignment rules.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

December 13, 2006.

NOTE:

Send a copy of this order to

The Joint Collector, Ongole.

(By order)

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